

Minutes of: PLANNING COMMISSION
Time of Meeting: 6:00 P.M.
Date of Meeting: June 21, 2006
Place of Meeting: COUNCIL CHAMBERS

CALL TO ORDER

Planning Commission Chairperson Montgomery called the Regular Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Heineman led the Pledge of Allegiance.

ROLL CALL

Present: Chairperson Montgomery, Commissioners Whitton, Segall, Heineman, Dominguez, Cardosa, and Baker

Staff Present: Don Neu, Assistant Planning Director
Jane Mobaldi, Assistant City Attorney
Barbara Kennedy, Associate Planner
Jeremy Riddle, Associate Engineer
Bob Johnson, Deputy City Engineer Transportation Division
Bob Wojcik, Deputy City Engineer Development Services
Michele Masterson, Management Analyst
Gregory Ryan, Deputy Fire Marshal
Mike McFadden, Battalion Fire Chief
Van Lynch, Senior Planner
David Rick, Assistant Engineer
Pam Drew, Assistant Planner
Christer Westman, Senior Planner

APPROVAL OF MINUTES

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, to approve the minutes of the Regular Meeting of May 17, 2006.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman Segall and Whitton
NOES: None

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, to approve the minutes of the Regular Meeting of May 31, 2006.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman, Segall and Whitton
NOES: None

Chairperson Montgomery directed everyone's attention to the slide on the screen to review the procedures the Commission would be following for that evening's public hearing.

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

None.

PUBLIC HEARINGS

Chairperson Montgomery opened the public hearing and asked Assistant Planning Director Don Neu to introduce the first item.

6. CUP 05-04/CDP 05-24 – BOB BAKER LOT 6 – Request for continuance of a Conditional Use Permit and a Coastal Development Permit to allow vehicle storage and used car sales on a vacant 1.83 acre site, Lot 6 of Car Country Carlsbad, generally located on the west side of Car Country Drive and south of Auto Center Court in Local Facilities Management Zone 3.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, the Planning Commission continue Item 6 to August 2, 2006.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman, Segall and Whitton
NOES: None

Chairperson Montgomery closed the Public Hearing on Agenda Item 6 and asked Mr. Neu to introduce the next items.

2. CT 06-03/CP 06-05/CDP 06-14 – TUSCANY BY THE SEA – Request for approval of a Tentative Tract Map, Condominium Permit and Coastal Development Permit to demolish a single family dwelling and accessory structures and develop a 13 unit residential airspace condominium project on property located south of Tamarack Avenue, adjacent and west of the railroad right-of-way within the Mello II Segment of the Local Coastal Program and in Local Facilities Management Zone 1.
3. SDP 05-07/CDP 05-18 – ACACIA ESTATES – Request for approval of a Site Development Plan and Coastal Development Permit to demolish a single-family residence and a detached garage and construct four (4) attached residential air-space condominiums on a .32 acre site on property generally located on the south side of Acacia Avenue between Carlsbad Boulevard and Garfield Street in Local Facilities Management Zone 1.

Mr. Neu stated Agenda Items 2 and 3 are normally heard in a public hearing context; however, the projects are minor and routine in nature with no outstanding issues and Staff recommends approval. He recommended that the public hearing be opened and closed, and that the Commission proceed with a vote as a consent item, including the errata sheets, if any. Staff would be available to respond to questions if the Commission or someone from the public wished to pull the items.

Chairperson Montgomery asked if any members of the Planning Commission wished to pull any of the items listed.

MOTION

ACTION: Motion by Commissioner Baker and duly seconded, that the Planning Commission approve Items 2 and 3.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Baker, Cardoso, Dominguez, Heineman, Segall, and Whitton
NOES: None

Chairperson Montgomery closed the Public Hearing on Agenda Items 2 and 3 and asked Mr. Neu to introduce the next item.

Mr. Neu asked the Planning Commission if Agenda Items 4 and 5 should be moved forward since they would be brief and Agenda Item 1 could be heard last.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, that Agenda Items 4 and 5 be moved forward.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Whitton, Segall, Heineman, Dominguez, Cardosa and Baker
NOES: None

Chairperson Montgomery asked Mr. Neu to introduce Agenda Item 4.

4. CT 05-09/PUD 05-07/PIP 05-06 – BRESSI RANCH LOTS 33-39 – Request for a determination that the project was within the scope of the previously certified Bressi Ranch Master Plan Program EIR and that the Program EIR adequately describes the activity for the purposes of CEQA; and approval of a Tentative Tract Map, CT 05-09, Non-Residential Planned Development Permit, PUD 05-07, and Planned Industrial Permit, PIP 05-06, for the subdivision of 15.02 acres of land into 12 industrial lots and the development of 77,393 square feet of Planned Industrial space within 8 buildings generally located south of Palomar Airport Road and east of El Fuerte Street in Local Facilities Management Zone 17.

Mr. Neu introduced Agenda Item 4 and stated Senior Planner Christer Westman would make the staff presentation.

Mr. Westman gave the staff presentation and stated he would be available to answer any questions.

Chairperson Montgomery asked if there were any questions of staff; seeing none, he introduced the applicant.

Gary Wayne, Pacific Municipal Consultants, 10951 Sorrento Valley Road, Suite 1A, San Diego gave a presentation.

Commissioner Montgomery asked if there were any questions of the applicant; seeing none, Chairperson Montgomery asked if there were any members of the public who wished to speak on the project; seeing none, he opened and closed Public Testimony.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, the Planning Commission adopt Planning Commission Resolutions No. 6122, 6123 and 6124 approving Tentative Tract Map CT 05-09, Non-Residential Planned Development Permit PUD 05-07 and Planned Industrial Permit PIP 05-06 based on the findings and subject to the conditions contained therein.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Whitton, Segall, Heineman, Dominguez, Cardosa and Baker
NOES: None

Chairperson Montgomery asked Mr. Neu to introduce the next item.

5. CUP 05-31 – BRESSI RANCH FUEL MART – Request for a determination that the project was within the scope of the previously certified Bressi Ranch Master Plan Program Environmental Impact Report and approval of a Conditional Use Permit CUP

05-31 to construct a 3,686 square foot convenience market including four fuel pumps and a self-service car wash on a 1.1 acre property generally located at the southeast corner of Gateway Road and El Fuerte Street in Local Facilities Management Zone 17.

Mr. Neu introduced Agenda Item 5 and stated Senior Planner Christer Westman would make the Staff presentation.

Mr. Westman gave the staff presentation and stated he would be available to answer any questions.

Chairperson Montgomery asked if there were any questions of Staff.

Commissioner Cardosa asked if landscaping adjacent to the car wash would be sufficient to block headlight activity. Mr. Westman stated that in addition to the landscaping, there would be a low screen wall installed specifically for the purpose of blocking headlight activity. Commissioner Cardosa asked if the blowers would be located where noise would not cause an inconvenience. Mr. Westman replied yes.

Commissioner Segall asked if there were only 4 gas pumps at the fuel station. Mr. Westman replied the applicant wished to have 6 fuel pumps installed but the site was not large enough to accommodate 6 fuel pumps and on-site circulation of fuel trucks.

Commissioner Segall asked if there would be queuing issues with only 4 pumps/8 stations. Mr. Westman replied no.

Chairperson Montgomery asked if there were any more questions of staff; seeing none, Chairperson Montgomery introduced the applicant.

Mike Howes, Howes, Wieler & Associates, 3386 Faraday Avenue, Carlsbad gave a presentation.

Chairperson Montgomery asked if there were any questions of the applicant.

Chairperson Montgomery asked about the disparity in the color palette compared to the Bressi Ranch color palette.

Dan Golan, Barghausen Consulting Engineers, 18215 72 South, Kent, Washington stated the richer color tones on the color palette were intended to make the fuel station more noticeable. Mr. Golan stated if it was the wish of the Planning Commission, the applicant would be willing to alter the existing colors.

Chairperson Montgomery asked the applicant about the bright red and canary yellow colors shown in the architecture of the convenience store. The applicant stated the bright red and canary yellow colors were indigenous to the development's potential gas station customer such as Shell, and stated the anticipated tenant of the convenience store was Circle K.

Commissioner Whitton stated he would prefer to see the colors toned down since the bold colors do not blend with the existing colors in the neighborhood.

Commissioner Dominguez stated some stone accents may mollify the brightness of the color scheme and stated he was disappointed with the color palette.

Commissioner Segall asked Mr. Westman what was stated in the master plan about the color palette. Mr. Westman stated there was no specific reference to colors but there was a reference to the architecture compatibility.

Chairperson Montgomery stated he would prefer the color palette to blend with existing colors in the neighborhood.

Commissioner Baker discussed the gas station at Cannon Road and Interstate 5 and how well the colors blend with the rest of the neighborhood.

Commissioner Segall stated he felt the colors do need to be toned down and also suggested the Planning Commission be consistent with similar projects in the future.

Chairperson Montgomery asked if there were any members of the public who wished to speak on the item. Seeing none, he opened and closed Public Testimony.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, the Planning Commission adopt Planning Commission Resolution No. 6121 approving Conditional Use Permit CUP 05-31 based on the findings and subject to the conditions contained therein with the understanding that the color scheme and the architectural details be reworked to the satisfaction of the Planning Director in order to be more compatible with the homes and other development in the surrounding area.

VOTE: 7-0

AYES: Chairperson Montgomery, Commissioners Whitton, Segall, Heineman, Dominguez, Cardosa and Baker

NOES: None

Chairperson Montgomery asked Mr. Neu to introduce the next item.

1. EIR 03-03/MP 02-03/GPA 02-04/LFMP 14(B)/HMP 06-04 – ROBERTSON RANCH MASTER PLAN and CT 02-16/HDP 02-07/SUP 02-05 – ROBERTSON RANCH EAST VILLAGE MASTER TENTATIVE MAP – Request for: 1) a recommendation for certification of an Environmental Impact Report, and recommendation of adoption of the Candidate Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and a request for a recommendation of approval for the Robertson Ranch Master Plan, General Plan Amendment, Zone 14 Local Facilities Management Plan Amendment, and Habitat Management Plan Permit for Incidental Take consistent with the City's Habitat Management Plan for the Robertson Ranch Master Plan; and 2) a request for approval of a Master Tentative Tract Map, Hillside Development Permit, and Floodplain Special Use Permit for the 176 acre East Village of the Robertson Ranch Master Plan. The Robertson Ranch Master Plan encompasses a 398 acre site located north of El Camino Real, east of Tamarack Avenue, and east and west of College Boulevard, and east and west of Cannon Road in Local Facilities Management Zone 14.

Mr. Neu introduced Agenda Item 1 and stated Associate Planner Barbara Kennedy, assisted by Associate Engineer Jeremy Riddle, would make the Staff presentation.

Commissioners Cardosa, Dominguez and Baker disclosed they each had a brief conversation with Mr. Milich and subsequently received follow-up correspondence from Mr. Milich at their home.

Chairperson Montgomery disclosed he had a brief conversation with Mr. Milich and Mr. Agosti and received a written follow-up communication.

Chairperson Montgomery opened the Public Hearing for Item 1.

Barbara Kennedy and Jeremy Riddle conducted the staff presentation and stated they would be available to answer questions.

Chairperson Montgomery asked if there were any questions of staff.

Commissioner Segall referred to the intersections in Oceanside, which he stated would fail with or without the Robertson Ranch project, and asked if the City of Oceanside had a program in place where the developer was obligated to contribute toward improving the intersections. Mr. Riddle replied no but if the City of Oceanside developed a program showing the necessary improvements, the developer would be obligated to fair share contributions.

Commissioner Segall asked if the City of Oceanside's program had to be in place before the project was approved in order to have the developer obligated to fair share contributions. Mr. Riddle stated that the condition was included as a mitigation measure of the Robertson Ranch project and remains open with no deadline of termination. Commissioner Segall asked in the event the project was not completed for

several years and traffic conditions decline, can the City of Oceanside require the developer to do more mitigation than was presently required. Mr. Riddle stated that there was some basic information in the mitigation monitoring report which showed lane widening improvements were needed and the City was asking the City of Oceanside to develop a program for necessary improvements.

Commissioner Heineman asked if there was no program in place to improve the Oceanside intersections and costs cannot be determined at this time for the developer's fair share obligation, would the developer's costs escalate if the program was not developed for many years. Mr. Riddle replied yes.

Commissioner Dominguez asked if the City of Carlsbad was prepared with a fair share formula for the surrounding cities of Vista and Encinitas. Assistant City Attorney Jane Mobaldi stated the issue was that mitigation had to be feasible in order to be imposed and had to be capable of being implemented. She also stated the City of Carlsbad does not have the authority to implement mitigation which was outside of the jurisdiction which was why a program must be in place to show the necessary improvements and developer contributions.

Commissioner Dominguez asked how the developer would participate in undetermined improvements. Ms. Mobaldi stated he would not be obligated to contribute unless there was a program in place.

Commissioner Segall asked Ms. Mobaldi to clarify if there would be future mitigation. Ms. Mobaldi stated the City did not know if the City of Oceanside would develop a program identifying the mitigation measures.

Commissioner Heineman asked if Mr. Riddle felt confident in the current traffic studies. Mr. Riddle stated the studies were accurate and valid.

Commissioner Whitton commented it was not feasible to arrive at a solution for the necessary improvements required for intersections outside of the Robertson Ranch project since they were outside the City's jurisdiction.

Commissioner Cardoso asked if the mitigation for traffic calming measures in the Colony provided by the developer was specified to a certain dollar amount. Ms. Kennedy replied no. Commissioner Cardoso stated in all fairness to the developer, there should be a determined monetary amount. Ms. Kennedy replied yes, the developer would appreciate a determined monetary amount.

Commissioner Cardoso asked if the traffic study was completed on a maximum use basis to development yields. Mr. Riddle replied yes. Commissioner Cardoso asked what the failure rate would be. Mr. Riddle replied anything over 2000 ADT was considered a failure.

Commissioner Cardoso stated he felt there should be a timeframe determined for the mitigation of the intersections outside the Robertson Ranch project in order to be fair to the applicant. Ms. Mobaldi stated she misspoke earlier and stated the mitigation procedures were required to be implemented by the time of issuance of the first Certificate of Occupancy.

Commissioner Whitton asked if the developer was obligated to contribute to the mitigation efforts for the intersections outside the jurisdiction after the first Certificate of Occupancy was issued. Ms. Mobaldi replied no.

Commissioner Baker asked Mr. Riddle to clarify his earlier reference to the east-bound left turn lane on to El Camino Real. Mr. Riddle replied he misspoke and that he was referencing the west bound left turn lanes on El Camino Real.

Commissioner Baker asked what practical impacts would occur if the Commission required adding two left turn lanes. Mr. Riddle stated a 10-to-12 foot dedication would be necessary to accommodate an additional lane at the north side of Planning Area 1 and a certain amount of square footage would be removed from Planning Area 1.

Commissioner Baker referenced the potential new road cutting through Planning Area 2 and asked about the location of the 65-foot slope, if plant or crib walls would be used, and if the new road would increase the site grading. Mr. Riddle stated the road would connect into Planning Area 2 where the RV Storage

site was proposed and extend into the Robertson Ranch West Village, at a point between the existing slope and Tamarack Avenue there would be an approximate slope of 65 feet, there would be planting and crib walls, and the site grading would be increased.

Commissioner Baker asked what practical impacts would occur if the project was approved without knowing if the school would use the land. Ms. Kennedy stated an alternative use for the school site was a land extension of the park or in the event the Parks Department did not want the additional space, the land would be reserved for a potential multi-family development.

Commissioner Dominguez referenced the proposed site which would cross over into Tamarack Avenue and asked what type of mitigation measures would compensate for the use of the habitat management corridor. Ms. Kennedy stated at this time they do not know all of the impacts, but an additional environmental review would be conducted and could result in a modification of the mitigation measures.

Commissioner Whitton asked if the intersection of La Portalada and Tamarack would be an unlighted intersection and if La Portalada would cross over to Robertson Ranch. Mr. Riddle replied no to both questions. Commissioner Whitton stated he did not see the benefit of putting a road through Planning Area 2.

Chairperson Montgomery asked why cut-through traffic would occur through Robertson Ranch once El Camino Real was improved. Mr. Riddle explained cut-through traffic would be generated from the commercial site and in the event of a traffic-related issue on El Camino Real.

Commissioner Dominguez stated full deployment of traffic calming measures would make the route undesirable to cut-through traffic.

Commissioner Segall stated the benefit of the proposed road through Planning Area 2 would be to lessen traffic on Glasgow and Edinburgh Roads and to provide an additional emergency ingress and egress.

Chairperson Montgomery asked Mr. Riddle to explain the reasons behind the significant difference in the two traffic study reports. Mr. Riddle stated the 6 percent number taken directly from the EIR referenced the traffic generated from the entire project on Edinburgh and Glasgow Road, the 20 percent number referenced traffic generated only from the West Village. Mr. Riddle explained the ADT number of 300 was the original number based on the streets in the current condition and the increased number was considering the projected ADT generated from the West Village and the Colony residents. Mr. Riddle stated the 1900 ADT was based on an updated report but there were no changes on the baseline based on existing conditions.

Chairperson Montgomery asked if the updated baseline numbers are what brought up the numbers to the capacity line. Mr. Riddle replied yes.

Commissioner Segall asked if Glasgow Road was at 101%, would the rate be considered a failure and if the circuitous routing system was considered when arriving at this percentage. Mr. Riddle replied yes 101% would be designated as a failure and no, the current project percentage of 99% does not contemplate the impact of circuitous routes. Commissioner Segall asked if Mr. Riddle knew how much the percentage would drop if circuitous routing was employed. Mr. Riddle stated the traffic consultant who prepared the report would need to address the impacts.

Commissioner Segall asked what mitigations would have to occur if the road failed. Mr. Riddle replied the City of Carlsbad would work with the community to arrive at additional measures in order to reduce traffic.

Mr. Riddle stated the numbers used in the traffic study were extremely conservative and contributed to the percentage rising to 99%.

Chairperson Montgomery asked if there were any more questions of staff; seeing none, Chairperson Montgomery introduced the applicant.

Applicant, Brian Milich, Senior Vice President, Corky McMillin Companies, San Diego thanked the commission and gave a presentation. The applicant stated he would be available to answer any questions.

Chairperson Montgomery thanked the applicant and asked if the Planning Commission had questions of the applicant.

Commissioner Dominguez asked why the cul-de-sac solutions were so limited and what the City's main opposition was to this type of solution. The applicant explained cul-de-sacs could be used for no more than 25 units and stated the City's main opposition to cul-de-sacs was emergency access.

Commissioner Baker asked how many units would be on the cul-de-sac off Glasgow Road. The applicant replied 25 units.

Commissioner Baker asked if the applicant would have an objection to moving the trails on El Camino Real and Cannon Roads further away from the street. The applicant replied no.

Chairperson Montgomery referenced the one-way street and asked if one-way streets significantly reduced the traffic and provided an emergency access. The applicant stated yes this would result in a significant reduction in traffic.

Chairperson Montgomery stated emergency ingress and egress was the main concern.

Chairperson Montgomery asked what opposition the applicant received from the City to the one-way streets. The applicant stated he thought the City felt the one-way streets were difficult to enforce, difficult to determine the starting and ending points, and could be hazardous.

Commissioner Heineman asked the applicant if he consulted with Deputy City Engineer Bob Johnson. The applicant replied yes, Mr. Johnson had been very involved.

Chairperson Montgomery asked if there were any more questions of the applicant.

RECESS

Chairperson Montgomery closed the Public Hearing on Item 1 and recessed the meeting for a five to ten-minute break at 8:12 p.m.

MEETING CALLED TO ORDER

Chairperson Montgomery reconvened the meeting at 8:32 p.m. and opened Public Testimony.

Bill Countreman, 4781 Edinburgh Drive, Carlsbad stated his group found a solution which would satisfy the applicant, City and the Colony. Mr. Countreman stated the key issue was the traffic. Mr. Countreman introduced the next public speaker, Robin Wofford.

Robin Wofford, 4757 Edinburgh Drive, Carlsbad stated her concern with the accuracy of the traffic study.

Kari Atherton, 4781 Brookwood Court, Carlsbad stated her main issue was density which was separate from the issue of traffic. Ms. Atherton requested the Commission look at the density and keep the numbers in line with the numbers after the city analysis. Ms. Atherton stated the future road extension signs were not clear.

Greg Agosti, 4730 Edinburgh Drive, Carlsbad supported connecting the East and West Village which would eliminate access to Edinburgh and Glasgow. Mr. Agosti supported back to back cul-de-sacs.

Stacy Baker, 4754 Gateshead Road, Carlsbad requested the Planning Commission to consider the community as a whole and consider the people affected by the proposed changes to the neighborhood.

Samuel E. Countreman, 4781 Edinburgh Drive, Carlsbad stated he did not support the increased traffic and density.

David Wells, 4775 Gateshead Road, Carlsbad stated his concern for the increase in density and asked the Planning Commission to consider the safety and well being of the people affected by the increased density.

Gary Smith, 2729 Glasgow Drive, Carlsbad stated the Calavera Hills HOA was not noticed and should have been since they were landowners within the 600 foot radius of the project.

Commissioner Segall asked Mr. Smith if he was referring to the orange signs at Glasgow and Edinburgh Roads, if there were signs posted now and for how long. Mr. Smith replied yes he was referring to those signs, yes they were posted but he did not know how long they have been posted.

Knut Madden, 2705 Glasgow Drive, Carlsbad stated he did not support extending Glasgow and Edinburgh Roads.

David McIntyre, 4777 Edinburgh Drive, Carlsbad stated his concern was with the noise increase generated by the additional traffic and the lack of disclosure in the EIR.

David Stoffel, 4705 Edinburgh Drive, Carlsbad stated he did not support the increase in traffic.

Joan Hayashi, 4798 Neblina Drive, Carlsbad stated she did not support the increased density and felt an error margin should be considered in the traffic study.

David Rouse, 4801 Gateshead Road, Carlsbad stated one issue that had not been referenced was the potential safety issue of the additional traffic.

Gregory Jackson, 3638 Terrace Place, Carlsbad stated he supported alternatives to the extension of Edinburgh and Glasgow Roads.

Christine Gallup, 4799 Gateshead Road, Carlsbad stated she felt the Commission was giving more concern to the color palette for the Fuel Station of Bressi Ranch than to the safety of her children.

Michael Zimmerman, 2740 Glasgow Drive, Carlsbad supported the proposed additional ingress and egress road to Tamarack Avenue and did not support extending Glasgow and Edinburgh Roads.

Ted Gallup, 4799 Gateshead Road, Carlsbad supported the back-to-back cul-de-sacs.

Chairperson Montgomery thanked the public speakers commended the children in attendance on their good behavior.

Chairperson Montgomery closed Public Testimony and asked the applicant if he would like to respond.

The applicant stated the developer would work on traffic calming and aggressive traffic mitigation inside and outside the Colony. The applicant stated the student generation rates were utilized by the City and provided to them approximately one year prior by the Carlsbad Unified School District. The applicant stated some numbers in the traffic study reports were provided by the City not Sandag. The applicant stated with regards to the noise impact, the project had met all CEQA guidelines. The applicant requested the Planning Commission consider that other than the traffic and the connection of 2 streets, this project was a very good project, a great master plan, met all City standards and the density was well within the City's growth management plan.

Chairperson Montgomery thanked the applicant and introduced the Deputy Fire Marshal, Gregory Ryan.

Commissioner Segall asked Mr. Ryan to describe why ingress and egress access from the Colony into the backside of the West Village was so critical. Deputy Fire Marshal Ryan stated his position was not to determine the routes used by the responding emergency units but rather to ensure 2 points of access be available for emergency service to the project and within the Village.

Commissioner Segall asked if the response time would be impacted if there was access from Planning Area 3 to Tamarack. Deputy Fire Marshal Ryan stated he would have to discuss this option with the engineering staff.

Commissioner Segall asked what the Fire Department's position was on circuitous routes through the project and if the emergency response units would be challenged while maneuvering through circuitous

routes. Deputy Fire Marshal Ryan stated the Fire Department did not take a position on the circuitous routes other than to support the City staff.

Commissioner Segall asked Mr. Ryan if gate access for emergency ingress and egress would be acceptable if Edinburgh and Glasgow Roads were developed into cul-de-sacs. Mr. Ryan stated in his experience, emergency access gates were not properly maintained and often inoperable.

Commissioner Segall asked if the Fire Department would be satisfied with 2 emergency access gates and one access point from Planning Area 3 to Tamarack Avenue. Mr. Ryan stated again the gates were only as good as their maintenance program and were discouraged when considering community safety.

Commissioner Whitton asked if a regular gate inspection could be conducted by the HOA. Mr. Ryan stated there were practical difficulties with an HOA conducting testing on a gate which they would not have a key to. Commissioner Whitton asked if the Fire Department could schedule a regular time to inspect the gates with the HOA.

Commissioner Baker asked how severe problems had been in the past when the emergency gates were inoperable. Mr. Ryan stated problems in the past had not resulted in loss of life or property loss, however, he had extensive experience with this type of gate failing and every second counts when responding to an emergency.

Commissioner Baker asked what lessons were learned from the Harmony Grove fire. Commissioner Baker stated the long-term goal was to ensure community safety. Mr. Ryan stated since 1996, the Mayor no longer wanted developments to have only one ingress and egress point.

Mike McFadden, Battalion Fire Chief, Carlsbad Fire Department referred to the Harmony Grove fires and the traffic impacts. Mr. McFadden explained that multiple access points, through streets and traffic calming are all ideal for emergency response in a neighborhood and any type of barricade could potentially cause problems. Mr. McFadden stated his experience was also that the emergency access gates were often inoperable.

Commissioner Baker asked if the considerable open space in the project added more potential fire danger. Mr. McFadden replied yes.

Commissioner Segall referred to the Streets O and A where the ingress and egress points were fairly close and asked if the Fire Department felt confident enough room was available to safely evacuate residents in an emergency situation. Mr. McFadden replied yes the spacing was reviewed by the Fire Department and the City Engineer.

Chairperson Montgomery asked if there were any more questions of the Deputy Fire Marshal or Battalion Fire Chief; seeing none, Chairperson Montgomery requested a vote to extend the meeting.

MOTION

ACTION:	Motion by Commissioner Baker, and duly seconded, to extend the Planning Commission meeting.
VOTE:	7-0
AYES:	Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman, Segall and Whitton
NOES:	None

Assistant City Attorney Ms. Mobaldi stated when considering the issue of gate maintenance, the burden of maintenance may not be appropriate for an HOA since the emergency access gates would be located on public streets.

Chairperson Montgomery asked staff to respond to Public Testimony.

Ms. Kennedy referred to the issue of noticing. Ms. Kennedy stated Application in Process signs were posted on May 7, 2004, at Glasgow Road, Edinburgh Road, and the 2 major intersections of El Camino Real and Cannon Road; and El Camino Real and Tamarack Avenue. At the same time, Public Scoping

Meeting signs were posted for the May 18, 2004, EIR meeting. Notices were sent to all properties within 600 feet of the project, public agencies, interested parties wanting notification and the newspaper. Subsequently, a special scoping meeting was held one week later for the Rancho Carlsbad HOA. The combined attendance was approximately 370 persons and resulted in 250 comment letters; 13 comment letters from the agencies and organizations, Rancho Carlsbad submitted almost 200 comment letters with what type of issues the City should address in the EIR, 24 general comment letters from other residents with 15 of those letters from the Colony. Ms. Kennedy stated the staff direction when developing the master plan was based on comments received from the 15 Colony letters.

Commissioner Baker asked if the Colony HOA was noticed. Ms. Kennedy stated the City notices all property owners within the 600 foot radius and if the HOA was a property owner within this area, the HOA should have been noticed. Ms. Kennedy stated the applicant prepares the labels and she would review the mailing addresses to see if the HOA was noticed.

Ms. Kennedy stated after the scoping meetings were conducted, notices of availability of the EIR were distributed to public agencies, interested parties, and the newspaper; in addition numerous articles were written and printed in the newspaper. The City received 15 comment letters from public agencies and organizations, 84 comments from Rancho Carlsbad, 4 comments from other residents and no comment letters were received from the Colony residents on the EIR.

Ms. Kennedy stated notices of the public hearing for May 31, 2006, were sent to all residents within 600' of the area, public agencies and organizations, interested parties, printed in the newspaper and posted at the site in 4 different locations.

Commissioner Segall asked if there was a public notice sign at Glasgow and Edinburgh Roads. Ms. Kennedy replied yes, signs had been posted for 2 years.

Ms. Kennedy referred to Mr. Madden's question asking if the City had considered having only 2 points of access to Robertson Ranch at Z Street and Tamarack Avenue and then gating or cul-de-sac-ing the access points at Glasgow and Edinburgh Roads. Ms. Kennedy stated the access at Edinburgh Road would still be required due to City policy where the development needs to provide 2 access points. In addition, staff felt the cut-through traffic should be shared between the 2 streets of Edinburgh and Glasgow Roads.

Chairperson Montgomery asked Ms. Kennedy if staff had considered a connection point at the east portion of the project from Planning Area 9 over to Glasgow Road. Ms. Kennedy replied yes, it was considered but the huge canyon at the back of the residences would require a considerable amount of grading and would result in habitat impacts.

Ms. Kennedy referred to the public's concern about the allocation of dwelling units compared to the Bressi Ranch project. Ms. Kennedy stated Bressi Ranch received the same percentage of allocation of dwelling units as Robertson Ranch was proposing.

Ms. Kennedy referred to the concern of noise impacts and stated staff did analyze the noise impacts and were not significant enough to be addressed in the EIR. Ms. Kennedy stated if further information was desired, Mr. Tim Gribus the EIR Consultant for the City was available for questions.

Commissioner Baker asked if the noise impacts within the Colony neighborhood were addressed in the EIR as insignificant or if the noise impacts were actually not considered.

Tim Gribus, Environmental Consultant, BRG Consulting stated the traffic-generated noise levels were not specifically analyzed in the EIR. Mr. Gribus explained that since the streets are residential streets they were designed to carry 2000 trips per day which would result in a noise level well below the City standard.

Commissioner Baker asked if the property zoned as RLM meant the threshold was 4 dwelling units per acre. Ms. Kennedy replied yes.

Commissioner Baker asked about putting a road between the East and West Villages. Ms. Kennedy stated a road between the East and West Villages would not be supported by the wildlife agencies since this area was a primary habitat corridor.

Commissioner Baker asked if there was a threshold which dictates at what point wildlife takes precedence over people. Ms. Kennedy stated they cannot have a road connection between the two villages since the City's HMP was one of the guideline documents and are the standards which the City must follow.

Commissioner Baker asked how long Edinburgh and Glasgow Roads had been designated by the City as residential streets. Ms. Kennedy stated the maps approved in 1976 stated the roads as future extension residential streets. Commissioner Baker asked if this information was public information. Ms. Kennedy replied yes.

Commissioner Baker asked why there was disparity to the student generation numbers. Ms. Kennedy stated it was possible they were not provided the most current information by the Carlsbad Unified School District.

Commissioner Dominguez asked Ms. Kennedy how realistic a connection to Tamarack Avenue would be. Ms. Kennedy stated a connection was possible but there would still need to be 2 points of access in Planning Areas 9 and 10.

Commissioner Dominguez asked if the connection did result in a disturbance of the existing vegetation, would there be enough room in the master plan to re-vegetate elsewhere. Ms. Kennedy replied yes and stated Paul Klukus with Planning Systems had conducted an analysis which could provide more information.

Chairperson Montgomery asked Mr. Riddle to comment on some of the traffic questions which were asked by the public.

Mr. Riddle commended the public on the detail of the traffic study spreadsheets. Mr. Riddle stated the numbers provided in the EIR are snapshots taken at different times and felt possibly the numbers compared in the spreadsheets were comparing different snapshots.

Chairperson Montgomery asked for Commission discussion and questions of staff.

DISCUSSION

Commissioner Whitton stated he would like to see Edinburgh and Glasgow Roads gated; supported a connection to Tamarack Avenue in Planning Area 2; supported the project's current density; and supported the senior citizen and multi-family housing in Planning Area 7.

Commissioner Segall commended the amount of work conducted by staff and the applicant but stated he cannot support the project the way it was due to the impacts to the existing neighborhood. Commissioner Segall stated he supported the senior citizen housing in Planning Area 7; supported building the school site with protection this parcel would convert to a park if the school site was not built; supported the circuitous routes; supported dual left turn lanes at Tamarack Avenue and El Camino Real; and supported the investigation of a connection to Tamarack Avenue.

Commissioner Heineman stated his main concern was whether the circuitous routes and traffic calming devices would be effective and hoped more solutions would be developed.

Commissioner Dominguez stated he would support reducing the density level to the original level of 1,122; supported a connection to Tamarack Avenue; supported circuitous routes with full traffic calming developed by the applicant and the Colony.

Commissioner Cardoso thanked the due diligence of the staff, applicant and residents and stated he felt the circuitous routes were a great idea but would not control the traffic in the way necessary to protect the neighborhoods. Commissioner Cardoso supported making the community a gated community in order to confine traffic and eliminate cross traffic; did not support access at Tamarack Avenue; supported the density level, the senior citizen community, and the school site with protection the site would be used for a similar use if the site was not used for a school.

Commissioner Baker thanked the Colony residents for their hard work and stated in her five years on the Planning Commission, this was the most challenging project she had been involved in. Commissioner Baker stated she had no desire to make the people of the Colony uncomfortable however, she did not support gates and cul-de-sacs; she would support reducing the density as a reasonable compromise; she did support 2 left-turn lanes at El Camino Real and Tamarack Avenue; supported senior citizen housing in Planning Area 7; and supported the school site. Commissioner Baker stated she did not know if the circuitous routes would work and felt the proposed emergency access gates were a safety risk.

Chairperson Montgomery stated he supported reducing the density level to the original level of 1,122 units which would mean the Robertson Ranch would cut 62 units; supported the building of the school site with the protection of this space to be used as a similar space if the school was not built; supported the senior citizen area in Planning Area 7.

Commissioner Heineman asked if the State would allow the Commission to decrease the density.

Assistant City Attorney Jane Mobaldi stated the State did not dictate the density for this site but encouraged increased density in all cities. Ms. Mobaldi explained in order to have the City's housing element certified, the City of Carlsbad may have to put units somewhere else in the City.

Chairperson Montgomery stated in his opinion, he would like to take the road of the growth management plan approved by the voters of Carlsbad in 1986, and he did not support the current proposed traffic volume going through the Colony.

Commissioner Segall said he felt the project would not be supported the way it was presented but rather than voting the project down, he suggested the applicant to go back and address the concerns raised.

Commissioner Heineman concurred with Commissioner Segall.

Chairperson Montgomery asked the Commissioners to speak specifically about the density issues in order to provide a consensus to the applicant.

Commissioner Whitton stated he supported the reduction to the density level units to 1,122; he felt if the school site was not used, the area should be used for the 200 additional units.

Commissioner Segall stated he supported the reduction in the density level units to 1,122 but would like to keep the school site as a park if the school was not built; supported the senior citizen housing in Planning Area 7.

Commissioner Heineman stated he concurred with Commissioner Segall.

Commissioner Dominguez stated he supported the senior housing proposal and the drop in density to 1,122 units and would like to see how this would impact the traffic study.

Commissioner Cardoso stated he would like the units capped at 1,122 units with or without the school site and supported the senior housing.

Commissioner Baker stated she supported the 1,122 units with the option of some of the units to be built on the school site if a school was not built; she supported senior citizen housing.

Chairperson Montgomery asked the Commission if they would like to have Planning Area 7 specified as senior housing only or if the Commission would allow the applicant flexibility to determine a smaller secondary use.

Commissioner Whitton stated he would like to provide some flexibility to the applicant.

Commissioner Segall stated he did not mind the flexibility as long as the community meets the needs of walking accessibility to the commercial site.

Commissioner Heineman concurred.

Commissioner Dominguez stated he felt the primary use of the area should be senior housing but supported the applicant planning flexibility for a secondary use. Commissioner Cardoso concurred with Commissioner Dominguez.

Commissioner Baker stated she was okay with the concept of providing flexibility as long as consideration was made to the goal of reducing traffic by lowering the density.

Chairperson Montgomery stated the Commission was in agreement with regard to the open spaces, the parks, and the community facilities.

Chairperson Montgomery stated the Commission did not want the traffic numbers close to the previously stated 95%.

Commissioner Baker stated it would be helpful to acquire information on previously developed communities with circuitous routes to see if circuitous routes accomplished the intended goals.

Commissioner Whitton stated he felt circuitous routes were ideal no matter what the conditions and would like to see Glasgow and Edinburgh Roads gated.

Chairperson Montgomery asked Commissioner Whitton what his opinion was on the connection through planning Area 2 to Tamarack Avenue. Commissioner Whitton stated he would support this connection as long as there was a traffic light.

Commissioner Segall stated again he would like to see 2 left-turn lanes west bound on Tamarack Avenue; would like to see the connection through Planning Area 2 through to Tamarack Avenue; and supported reduced traffic through the Colony.

Commissioner Segall stated for the record, the East Village was fine.

Commissioner Dominguez stated he was pleased the Planning Commission arrived at a decision regarding the density level and stated he had confidence in the circuitous routes and felt it would be acceptable to the Colony; he supported the 2 left turn lanes at Tamarack Avenue; and was in favor of the connection through Planning Area 2.

Commissioner Cardoso stated he was in favor of the 2 west bound left-turn lanes; he was not in favor of the connection through Planning Area 2.

Commissioner Baker stated she was not in favor of the connection through Planning Area 2 to Tamarack Avenue and definitely not in favor of a traffic light at this point of access but also stated it was too premature to discuss and would prefer to leave this decision to the traffic engineers.

Chairperson Montgomery stated he supported any solution which would cut down at least 50 percent of the current proposed traffic at Edinburgh and Glasgow Roads and suggested staff, the applicant and the residents try again to arrive at a solution.

Chairperson Montgomery asked the applicant to discuss his thoughts.

The applicant stated he understood this was a difficult decision but since he was under pressure to move the project along, he would like to know when the next Planning Commission meeting date would be.

Mr. Don Neu, Assistant Planning Director, stated due to the difficulty in estimating the time involved conducting the recommended studies; he recommended not setting a specified date.

The applicant clarified the growth management plan from 1986 density level was set at 1,154 with no school site and asked the Commission to consider 1,154 as the original amount of dwelling units. The Planning Commission concurred.

The applicant asked if he had flexibility for the use of senior housing in Planning Area 7 or 8. Chairperson Montgomery stated Planning Area 7 would be more ideal for the senior housing but if the applicant chose to use Planning Area 8, he could present the project to the Commission.

The applicant referenced the road connections and stated he would provide data showing the success of traffic calming devices and develop a solution to drastically cut traffic on Edinburgh and Glasgow Roads.

The applicant requested a continuance.

Chairperson Montgomery commended the applicant on a great project.

Chairperson Whitton congratulated the applicant on a great project.

MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, to continue Item 1 at the applicant's request to an uncertain date.
VOTE: 7-0
AYES: Chairperson Montgomery, Commissioners Whitton, Segall, Heineman, Dominguez, Cardosa and Baker
NOES: None

Chairperson Montgomery closed the Public Hearing for Item 1.

PLANNING COMMISSION COMMENTS

Commissioner Dominguez thanked everyone for being present and thanked the Planning Commission for all of their hard work.

Commissioner Baker thanked everyone for attending.

Chairperson Montgomery thanked Commissioner Baker for her assistance.

PLANNING DIRECTOR COMMENTS

Mr. Neu stated he would provide the Commission copies of the revised architectural policy indicating the additions and deletions as well as information as to how the policy would apply to the Cantarini/Holly Springs project if it were a custom lot development.

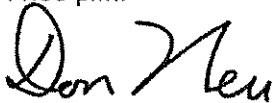
CITY ATTORNEY COMMENTS

None.

ADJOURNMENT

MOTION

By proper motion, the regular meeting of the Planning Commission of June 21, 2006, was adjourned at 11:30 p.m.



Don Neu
Assistant Planning Director

Barbara Safarik
Minutes Clerk